

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. 03-CR-10356-MLW

UNITED STATES

VS.

FREDERICK A. SIMONE,
a/k/a FREDDY, a/k/a
THE NEIGHBOR,

VINCENT C. GIOCCHINI,
a/k/a DEE DEE; and

FRANCIS WHITE, a/k/a
THE WHITE-HAIRED GUY

AFFIDAVIT OF COUNSEL

I, Kevin J. Reddington, Esq., being first duly sworn, depose and say that;

- 1.) I am an attorney duly licensed in the Commonwealth of Massachusetts and I am a member of the Federal District Court Bar of the District of Massachusetts.
- 2.) I have reviewed the applications and affidavits submitted by the affiant, Russolillo, in support of requests submitted to the Judge of the Middlesex Superior Court requesting warrants to intercept telephone conversations on telephones subscribed by my client, Frederick Simone.
- 3.) As a result of the issuance of said warrants, extensive interceptions were made of conversations between the said Simone and others during the term of the authorized surveillance as well as during extensions thereof.
- 4.) The affidavits submitted did not provide probable cause to believe that evidence pertaining to designated offenses would be intercepted on the target telephones.

- 5.) The affidavits submitted did not provide a valid basis to believe that normal investigative techniques had been tried in a good faith manner that were not likely to succeed or would create a reasonable likelihood of danger to any individual.
- 6.) I do aver that the warrant authorizing interception of cell phone communications was in violation of federal law in that the Massachusetts Statute does not comply with the minimal standards of Title III all as set forth in the memorandum of law set forth herein.
- 7.) I do believe that the issuance of the warrants did violate Title III all as set forth in the motion to suppress as well as the memorandum of law set forth herein.

Signed under the pains and penalties of perjury this 15th day of September, 2004.

“s/Kevin J. Reddington”